

HOUSE BILL 2123

By Williams

AN ACT to amend Tennessee Code Annotated, Section 8-30-102; Section 8-36-714; Section 8-50-809; Section 49-7-206; Section 49-7-211; Section 49-8-201; Title 49, Chapter 7, Part 1; Section 49-7-1003 and Section 49-7-204, relative to the governance and coordination of state higher education.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-30-102(b)(8), is amended by deleting the subdivision in its entirety and substituting the following:

(8) The schools, institutions, and entities governed by the state university boards, the board of regents, and the board of trustees of the University of Tennessee, including the members of the teaching staffs and the staffs of the boards themselves; and only certified professional employees of the Tennessee School for the Blind, Tennessee School for the Deaf, West Tennessee School for the Deaf, Alvin C. York Institute, and any other special school hereafter established;

SECTION 2. Tennessee Code Annotated, Section 8-36-714(a), is amended by deleting the subsection in its entirety and substituting the following:

(a) The board of trustees of the University of Tennessee may grant to any former president of the University of Tennessee the title "president emeritus." A state university board or the board of regents may grant to any former president of any college or university it governs a similar "emeritus" title. No former president shall receive any compensation or remuneration for holding the emeritus title, unless the following conditions are met:

(1) The remuneration is for time actually spent by the former president in performing services for the respective governing board;

(2) An agreement is executed between the respective governing board and the former president which sets forth the duties to be performed by the former president;

(3) The agreement cannot exceed a term of one (1) year. The respective governing board may enter into additional one-year agreements with the former president. No renewal agreement shall be entered into until the governing board reviews and is satisfied with the emeritus work performed by the former president. Any such renewal must be approved by an affirmative vote of a majority of the respective governing board;

(4) The former president must reside in the state of Tennessee at the time of the initial appointment and at the time of any subsequent appointment; and

(5) The former president shall not accrue any additional retirement credit as a result of such appointment.

SECTION 3. Tennessee Code Annotated, Section 8-36-714(c), is amended by deleting the subsection in its entirety and substituting the following:

(c) For each emeritus appointment for which compensation or remuneration will be paid, the respective governing board shall be responsible for filing with the retirement division the agreement, which sets forth the name of the person holding the title, and the beginning and ending date of the appointment. The agreement shall be accompanied with documentation showing the amount of compensation to be paid to the person and the number of hours to be worked. The agreement and documentation shall be filed annually, if applicable, and signed by the former president acknowledging the conditions of the appointment. The governing board shall send written notice to the speaker of the senate, the speaker of the house of representatives, the chairs of the senate standing committees on education and on finance, ways and means, the chairs of the standing committees on education administration and planning and finance, ways and means of

the house of representatives, and the office of legislative budget analysis of each emeritus appointment for which compensation or remuneration will be paid.

SECTION 4. Tennessee Code Annotated, Section 8-50-809(b), is amended by deleting the subsection in its entirety and substituting the following:

(b) This part, except those provisions which relate to annual or sick leave transfer, or sick leave reinstatement, shall not apply to officers or employees of the University of Tennessee system or the state university and community college system. The board of regents, the state university boards, and the board of trustees of the University of Tennessee shall prepare a leave policy to apply to their respective officers and employees which, in terms of total paid time off, would be substantially in accordance with this part for other state employees. Such policies shall be approved by the commissioner of finance and administration and filed with the comptroller of the treasury. Nothing in this part shall prohibit or modify the creation or approval of a sick leave bank pursuant to § 8-50-925 at institutions governed by the board of regents, the state university boards, or the board of trustees of the University of Tennessee.

SECTION 5. Tennessee Code Annotated, Section 49-7-104(a)(1), is amended by deleting the subdivision in its entirety and substituting the following:

(a)

(1) The board of trustees of the University of Tennessee, the board of regents, and each state university board shall adopt procedures whereby a Tennessee resident who is enrolled at an institution of higher education within their jurisdictions under educational assistance benefits administered and provided by the United States department of veterans affairs or under other governmentally funded educational assistance benefits may elect, upon formal application to the institution, to defer payment of the required tuition and fees

until the student's monetary benefits from the department or other governmental agency have been received. Application for deferment shall be made by the student prior to the commencement of the academic term for which deferment is being requested; however, if the student can prove to the institution that the student could not have reasonably made application prior to the commencement of the academic term, application for deferment may be made no later than fourteen (14) days following the start of the term.

SECTION 6. Tennessee Code Annotated, Section 49-7-107, is amended by deleting subsections (a) and (b) in their entireties and substituting the following:

(a) The board of regents, the board of trustees of the University of Tennessee, and state university boards are authorized and empowered to take such steps, to enter into such agreements, and to do whatever they deem necessary to the establishment of foundations for the state institutions of higher education under their control.

(b) All annual reports and all books of accounts and financial records of a foundation created for the benefit of a public institution of higher education shall be subject to audit by the comptroller of the treasury.

SECTION 7. Tennessee Code Annotated, Section 49-7-117, is amended by deleting the section in its entirety and substituting the following:

The state university boards, the board of regents, and the board of trustees of the University of Tennessee shall require that courses in the detection and treatment of child sexual abuse be included in the curriculum of disciplines that include the training of physicians, pediatricians, psychiatrists, nurses, psychologists, and sociologists.

SECTION 8. Tennessee Code Annotated, Section 49-7-128, is amended by deleting the section in its entirety and substituting the following:

Notwithstanding § 8-36-714 to the contrary, upon mutual agreement between the Tennessee higher education commission and the board of trustees of the University of Tennessee, the board of regents, or a state university board, as appropriate, an individual holding the title of president emeritus may apply service to the Tennessee higher education commission toward fulfillment of the individual's obligations as president emeritus.

SECTION 9. Tennessee Code Annotated, Section 49-7-130, is amended by deleting the section in its entirety and substituting the following:

No official, officer, or employee of a state university board, the board of regents, or the board of trustees of the University of Tennessee, or any institution under their control, shall be reimbursed for airplane travel in an amount in excess of standard coach fare for the applicable flight. Unless an emergency situation arises and the purchase or reimbursement for the purchase of tickets for travel by air in excess of the standard coach fare for the emergency situation is approved by the comptroller, no state appropriated or institution funds shall be otherwise used to purchase air travel at rates in excess of standard coach fare for the applicable flight.

SECTION 10. Tennessee Code Annotated, Section 49-7-134, is amended by deleting the first sentence in its entirety and substituting the following:

The board of regents, the state university boards, and the board of trustees of the University of Tennessee shall adopt policies to govern reductions in force that could result in employee layoffs or terminations at their respective institutions of higher education.

SECTION 11. Tennessee Code Annotated, Section 49-7-136(a), is amended by deleting the subsection in its entirety and substituting the following:

(a) The board of trustees of the University of Tennessee, the board of regents, and the state university boards shall adopt uniform rules requiring the placement of an emergency keyed lock box in all student dormitories and other campus housing with functioning elevators. The emergency keyed lock box must be installed by each bank of elevators in student dormitories and other campus housing. The lock boxes shall be permanently mounted seventy-two inches (72") from the floor to the center of the box, be operable by a universal key, no matter where the box is located, and shall contain only fire service keys and drop keys to the appropriate elevators. General standards for the design of the boxes shall be approved by the department of labor and workforce development; provided, however, that the standards must be consistent with all applicable building and life safety standards governing student dormitories.

SECTION 12. Tennessee Code Annotated, Section 49-7-143(a), is amended by deleting the subsection in its entirety and substituting the following:

(a) Any public institution of higher education that collects personal information from students, including, but not limited to, names, campus or home addresses, telephone numbers, or other identifying information, for the purpose of using this information in student or campus directories shall include on forms used for such purposes a provision whereby the student may indicate that the student does not wish to receive solicitations, offers, or other advertisements by mail or otherwise based on the directory listing. If a student indicates that the student does not wish to receive solicitations or other such offers, then the student's preference shall be marked by the student's name and the directory shall contain an explanation of the marking.

SECTION 13. Tennessee Code Annotated, Section 49-7-143(d), is amended by deleting the subsection in its entirety and substituting the following:

(d) Any public institution of higher education that receives funds from the distribution of credit cards to students or any percentage from the use of cards bearing the college or university name or logo shall report the amount of such funds or percentage that it received as well as how the funds were expended during the previous fiscal year to the education committee of the senate and the education administration and planning committee of the house of representatives by October of each year.

SECTION 14. Tennessee Code Annotated, Section 49-7-204(a)(1)(C), is amended by deleting the subdivision in its entirety and substituting the following:

(C)

(i) In addition, the governor shall appoint one (1) voting student member each year, from a list of three (3) nominees selected and submitted by the commission no later than April 15. The student member shall serve for a term of one (1) year, commencing on July 1 and concluding on June 30.

(ii) The student member must remain enrolled in good standing at a public institution of higher education in this state for the duration of the student's term on the commission, except that a student member who graduates during the student's term on the commission may complete that term.

(iii) The student member shall be a resident of this state.

(iv) The chancellor of the board of regents and the president of the University of Tennessee system may each submit no more than two (2) qualified candidates, and the presidents of the state universities may each submit one (1) qualified candidate, to the commission for consideration each year. All candidates shall be submitted to the executive director no later than November 15.

(v) The chancellor and presidents are encouraged to facilitate the participation of campus student government associations in the candidate selection process.

(vi) Nothing in this section shall be construed to terminate a student member who was appointed prior to the effective date of this act.

SECTION 15. Tennessee Code Annotated, Section 49-7-204, is amended by deleting subsections (c) and (d) in their entireties and redesignating the remaining subsections accordingly.

SECTION 16. Tennessee Code Annotated, Section 49-7-206(b), is amended by deleting the subsection in its entirety and substituting the following:

(b) Except for the powers that are vested in the commission by this part, nothing in this part shall be construed to deprive the board of regents and the state university boards of the authority, rights, powers, and duties conferred upon them by law, express or implied, in the government, control, and operation of their respective institutions.

SECTION 17. Tennessee Code Annotated, Section 49-7-211(d), is amended by deleting the subsection in its entirety and substituting the following:

(d) This section shall only apply to public institutions of higher education.

SECTION 18. Tennessee Code Annotated, Section 49-7-1003, is amended by deleting the section in its entirety and substituting the following:

For the purpose of fulfilling the requirements of § 49-7-1002(a) and (b), it is the intent of the legislature that this part shall be made a formal part of the policies and procedures of the board of regents, the board of trustees of the University of Tennessee, and the state university boards.



SECTION 19. Tennessee Code Annotated, Section 49-8-201(a), is amended by deleting subdivisions (9) and (10) in their entireties and renumbering the remaining subdivisions accordingly.

SECTION 20. This act shall take effect upon becoming a law, the public welfare requiring it.